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FAX TRANSMISSION

To	USPTO
Fax Number	(571) 273-8300
Group Art Unit	1625
From	Michael C. Badia
Date	October 9, 2006
Application No.	10/767,638
Attorney Docket No.	VPI/02-128 US
	Response to Office Action/Restriction Requirement
Total Pages	12

Message or Comment

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OCT 09 2006

Attorney Docket No.: VPI/02-128 US

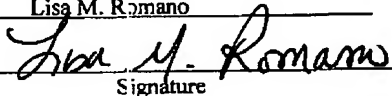
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner : Robert J. Balls
Group : 1625
Applicants : Paul S. Charifson et al.
Serial No. : 10/767,638
Confirmation No. : 5416
Filed : January 29, 2004
For : GYRASE INHIBITORS AND USES THEREOF

Certificate of Facsimile Transmission Under 37 CFR §1.8

I hereby certify that this correspondence and any documents referred to as attached hereto are being facsimile transmitted to the United States Patent Office on October 9, 2006.

Lisa M. Romano


Signature

October 9, 2006
Cambridge, Massachusetts

Mailstop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL LETTER

Sir:

Transmitted herewith: ☒ a Response to Office Action/Restriction Requirement; ☐ a Petition for Three-Month Extension of Time; ☐ a substitute Specification; ☐ a Declaration; ☐ a Supplemental Declaration; ☐ a Power of Attorney; ☐ an Associate Power of Attorney; ☐ formal drawings; ☐ Notice of Appeal; ☐ Appeal Brief; ☐ Petition for Revival; to be filed in the above-identified patent application.

Applicants: Paul S. Charifson et al.
Application No. 10/767,638

FEE FOR ADDITIONAL CLAIMS

☒ A fee for additional claims is not required.

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The additional fee has been calculated as shown below:

CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDITIONAL FEES
TOTAL CLAIMS	-	* =	X \$ 50	= \$ 0
INDEPENDENT CLAIMS	-	** =	X \$200	= \$ 0
FIRST PRESENTATION OF A MULTIPLE DEPENDENT CLAIM		+	\$360	= \$
TOTAL				\$ <u>0</u>

* If less than 20, insert 20.

** If less than 3, insert 3.

☐ A check in the amount of \$___ in payment of the filing fee is transmitted herewith.

☐ Please charge \$___ to Deposit Account No. 50-0725 in payment of the filing fee. A duplicate copy of this transmittal letter is transmitted herewith.

☒ The Director is hereby authorized to charge payment of any additional filing fees required under 37 C.F.R. § 1.16, in connection with the paper(s) transmitted herewith, or credit any overpayment of same, to deposit Account No. 50-0725. A duplicate copy of this transmittal letter is transmitted herewith.

Applicants: Paul S. Charifson et al.
Application No. 10/767,638

EXTENSION FEE

- ☐ The following extension is applicable to the Response filed herewith; ☐ \$120.00 extension fee for response within first month pursuant to 37 C.F.R. § 1.136(a); ☐ \$450.00 extension fee for response within second month pursuant to 37 C.F.R. § 1.136(a); ☐ \$1,020.00 extension fee for response within third month pursuant to 37 C.F.R. § 1.136(a); ☐ \$1,590.00 extension fee for response within fourth month pursuant to 37 C.F.R. § 1.136(a); ☐ \$2,160.00 within fifth month pursuant to 37 C.F.R. § 1.136(a).
- ☐ A check in the amount of ☐ \$120.00; ☐ \$450.00; ☐ \$1,020.00; ☐ \$1,590.00; ☐ \$2,160.00 in payment of the extension fee is transmitted herewith.
- ☐ Please charge the extension fee in the amount of ☐ \$120.00; ☐ \$450.00; ☐ \$1,020.00; ☐ \$1,590.00; ☐ \$2,160.00 to Deposit Account No. 50-0725. A duplicate copy of this transmittal letter is transmitted herewith.
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MISCELLANEOUS FEES

- ☐ Please charge \$_____ to Deposit Account No. 50-0725 in payment of the for _____ (37 C.F.R. § _____).

Respectfully submitted,



Michael C. Badia, Reg. No. 51,424
Agent for Applicants
c/o Vertex Pharmaceuticals Incorporated
130 Waverly Street
Cambridge, Massachusetts 02139
Tel: (617) 444-6467
Fax: (617) 444-6483
Customer No. 27916

OCT 09 2006

Attorney Docket No.: VPI/02-128 US

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RESPONSE TO OFFICE ACTION/RESTRICTION REQUIREMENT

Dear Sir:

This is in response to the September 15, 2006 Office Action setting forth an election/restriction requirement in the above-identified application. The time for reply to this Office Action is up to and including October 15, 2006. Therefore, submission of this response on October 9, 2006 is timely.

Remarks begin at page 2 of this Response.